

**BOROUGH OF WIND GAP
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The Council reorganizational meeting of the Borough of Wind Gap on Tuesday, January 3, 2012, was called to order at 7:30 p.m. by Mayor James M. Shoemaker. In attendance were Councilmen: Anthony Curcio, David Hess and John Maher. Also in attendance were Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner and Borough Administrator Louise Firestone.

Administering the Oath of Office to Councilmen - At this time Mayor Shoemaker administered the Oath of Office to: Kerry Gassler, George Hinton and Joe Weaver. Council took their seats.

Mayor Shoemaker then proceeded with the order of business by seeking nominations for Council President. Council made the following: **On nomination** by Tony Curcio for George Hinton to hold the position of Council President. Vote for George Hinton: Yea, T. Curcio, Yea, K. Gassler, Yea, D. Hess, Abstained, G. Hinton and Yea, J. Maher. George was appointed Council President with majority of the Council vote.

The next item of business was Mayor Shoemaker seeking nominations for Council Vice President. Council made the following: **On nomination** by Tony Curcio for Kerry Gassler to hold the position of Council Vice President. Vote for Kerry Gassler: Abstained, K. Gassler, Yea, D. Hess, Yea, G. Hinton, Yea, J. Maher and Yea, J. Weaver. Kerry was appointed Council Vice President with the majority of the Council vote.

Mayor Shoemaker turned the meeting over to Council President George Hinton.

PUBLIC COMMENT

1. Police Chief Craig Armitage introduced full-time police officer Eric Donaldson to Council. Officer Donaldson thanked the Mayor and Council for the opportunity to serve the Borough and promised to do a good job for the Borough.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses in the amount of \$26,991.25 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the meeting minutes of December 20, 2011 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Ron Karasek reported that all the matters being handled by his law office for the Borough during the month of December are outlined in a report. The report includes the meetings attended as Borough Solicitor.

Subdivision Matters: Prepare Call-In Request and Sight Draft for Letter of Credit and Telephone Conversations and e-mails with Bank Representative re: outstanding and unfinished improvements in Gap View Estates f/k/a Posh Properties Major Subdivision.

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Prepare Bus Shelter Easement Agreement re: K. Gassler property.

Developments on Outstanding Litigation: Receipt, Review and Administration of Hearing Notice on T. Dailey Unemployment Compensation Claim.

Court Decisions on Borough Cases: N/A.

Miscellaneous: Prepare Ordinance, Advertising Notice and Enclosure Correspondence re: Ordinance No. 476 . Earned Income Tax (EIT) County Collection.

Prepare Ordinance, Advertising Notices and Enclosure Correspondence re: Ordinance No. 477 . 2012 Real Estate Tax Millage.

Prepare Ordinance, Advertising Notice and Enclosure Correspondence re: Ordinance No. 478 (Police Pension Contribution).

Preparation of Monthly Solicitor's Report. Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters, and make and receive telephone calls.

Outstanding Items: Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) . no action taken and remains pending. Ordinance for loitering, begging and panhandling . pending but inactive. Ordinance for reimbursement of equipment, materials and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) . pending but inactive.

Ron reported that he spoke to the bank regarding the Letter of Credit and was informed that once the bank received the Site Draft they will cut the check to the Borough, but if it is the Borough's intent to try and resolve and settle with the developer, do not send the Site Draft to them.

He sent to Mr. Gassler a copy of the bus shelter easement agreement for his review and approval. Kerry stated that he will review and return it to Mr. Karasek.

He will be meeting with the Mayor and Police Chief on Thursday of this week to review for Mr. Dailey's unemployment compensation hearing scheduled for next Monday. He invited any of Council to attend and listen in if they so choose to do so. The hearing is scheduled to be held at the Trolley Station in Bethlehem.

He is waiting for Brian Pysher to sketch the diagram for the clear site triangle so he can prepare the zoning amendment and send it in to the Lehigh Valley Planning Commission for their review. After the LVPC review the Wind Gap Borough Planning Commission must review.

George asked Ron if there has been correspondence regarding Gibraltar. Ron replied that he has heard nothing and asked if he should attend the January 17 Council meeting. If Council wishes to call in the Letter of Credit, Ron can send the Draft by overnight courier to the bank. A meeting was supposed to be scheduled prior to January 16, 2012 with Gibraltar to discuss all the outstanding issues. If that meeting does not occur, Council will inform Ron to proceed.

ENGINEER'S REPORT

Brian Pysher reported that there are no new projects, but basically the same projects as before. He stated that the ADA sidewalks paperwork has been submitted and the firehouse specifications. He asked if any additional streets other than what was already discussed should be

looked at or did the committee want to meet to re-evaluate in the spring. George recommended that Brian meet with the street committee so that the Borough can get the street projects out to bid as soon as possible.

George informed Council that a meeting was held with PennDOT and they did not express optimism with regard to the Route 33 interchange project. PennDOT was asked for assistance with fixing 512 where the "rumble strips" are at the intersection of the Turkey Hill and Male Road in front of the CVS and Dunkin Donuts. PennDOT would consider fixing the road, but when the road is milled, the wiring for the signals will be torn up and the Borough should bear the cost of fixing or replacing that wiring. John Maher asked what the cost would be for this work. George replied that PennDOT will get back to the Borough with an estimate. Dave Hess added that the purpose of getting PennDOT officials together with the Borough officials was to discuss a long term solution when traffic is diverted through Wind Gap because of an accident or construction on Route 33. One suggestion was to install a computer system in the traffic lights that could synchronize them through a computer in the Police Station so the police could control the lights when necessary. Representative Marcia Hahn offered to look into grant money for the Borough to assist in upgrading any necessary electronics in the traffic lights. Kerry suggested that the Borough work with PennDOT through the Agility Program.

Brian stated that he will be meeting with John Maher tomorrow to complete the street opening fees and escrow fees.

NEW BUSINESS

1. Brown Daub Waiver Request. Brian Pysher explained that originally Brown Daub was putting on a small addition canopy and a new entry tower. There were questions regarding the zoning as it appeared that the current zoning is R-12, but years ago shortly after the Borough adopted a zoning map an amendment was done to change this property to commercial, but a new map never reflected this change. The zoning issue was resolved and the applicant went before the Planning Commission and discussed what they were proposing. The Planning Solicitor, Ron Karasek, recommended that they apply for a waiver of land development. The improvements that are being done, do not warrant a land development, but based on the definition of land development, they have submitted the necessary paperwork requesting the waiver so that the Borough has official documentation and takes official action on record. Typically, this would go to the Planning Commission first, but it was discussed at the October 2011 commission meeting. The commission never actually reviewed the waiver request, but they acknowledged and accepted the Solicitor's verbal suggestion. Brian explained that the project is all on private property and none of it will be taken over and maintained by the Borough. The project is to improve the function of their property and is being mandated by General Motors. They are upgrading their water line because water pressure is an issue on the property that is necessary for cleaning vehicles. Derek Silfies, Pany & Lentz Engineering Company representing Brown Daub provided Council with a plan drawing for improvements to Brown Daub car dealership. They completed Appendix No. 11 "Application for Consideration of a Modification" requesting modification from the Wind Gap Borough Subdivision and Land Development Ordinance specific to Section 305B, 402, 403, 306A. The justification for the request is the "Existing Impervious Coverage is being converted to a 2,040 sq.ft. canopy. Earth disturbance for the support structure is minimal (4 piers). A 212 +/- sq.ft. entry tower is being constructed in front of the existing showroom."

Ron Karasek stated that the record should reflect the fact that this was reviewed by the Planning Commission and although they did not specifically act on the waiver request because at the time of the meeting, the waiver request had not been filed. They did review that there would be a proposed canopy, a proposed tower and a proposed pavilion (not sure if the impervious cover issue was discussed). Borough Council's action is not ignoring the Planning Commission or by-passing their recommendation, but by referring it back to the commission would only delay the matter for another month.

On motion by Kerry Gassler to grant the waive request submitted by Brown Daub and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

2. 2012 Council Meeting Schedule Approval for Advertisement. Joe Weaver questioned if Council agrees with the one meeting a month in July and August and the fact they are scheduled for early in the month. Council did not have a problem with the dates.

On motion by Kerry Gassler to approve the proposed Council Meeting Schedule for 2012 and to advertise the schedule and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

3. Brian Pysher explained that during the time that the Zoning Officer has been on vacation, two women interested in taking the old Saveri property and converting it into a group home/daycare providing daily and some 24 hour service for handicap children. After reviewing the zoning, Brian confirmed what Darlene had informed them and that was they would have to apply for a special exception variance. They contacted Brian to assist them with filling out and submitting the form. They have a lease agreement that would require them to sign by March. As currently scheduled for planning and zoning, the applicants would not have enough time to go through the proper procedure for all meetings prior to their March deadline. Brian suggested to them that he would try to schedule a special planning meeting on January 26 if Council would agree.

On motion by Kerry Gassler to advertise for a special Planning Meeting January 26, 2012 at 7:30 p.m. and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

4. Vacancy on Borough Council. George explained that with the resignation of Scott Parsons, Council currently a vacant seat. Council has received two letters of interest to fill the vacancy. Jon Faust and Sarah Branham have submitted letters. He asked if Council wished to act on this tonight. Kerry suggested waiting until next meeting to allow Council to contact Sarah regarding her intentions.

On motion by John Maher to appoint Jonathan Faust to fill the Council vacancy and seconded by Joe Weaver. Roll call vote taken. Motion carried unanimously.

Jon Faust will sit on Council until December 31, 2013.

At this time, Mayor James Shoemaker, Administered the Oath of Office to newly appointed Councilman Jon Faust.

Councilman Faust took his seat on Council.

5. George appointed Council to the following committees:

EMS . Kerry Gassler, Joe Weaver

Fire Company . Dave Hess, Jon Faust

Zoning . Tony Curcio

Planning . George Hinton

Municipal Authority . John Maher

Streets . John Maher, Dave Hess, Jon Faust

Police . Mayor Shoemaker

Park . Joe Weaver

911 . Tony Curcio, Jon Faust

Tipping Fees . Tony Curcio, Joe Weaver, Kerry Gassler

Property Maintenance Code . John Maher, Kerry Gassler

Building Finance . George Hinton, John Maher (George will talk to Scott Parsons regarding remaining on the committee)

6. Personnel . George Hinton stated that he has expressed his concerns about personnel issues to most if not all members of Council. He asked Council to attend an Executive Session one hour prior to the next Council meeting, so that would be 6:30 p.m. on Tuesday, January 17, 2012. He would like to discuss where the Borough is headed personnel wise from this day forward. After Council has this discussion, he would like to have a mandatory personnel meeting so that everyone hears what has to be said straight from Councilmen and that should eliminate and misinterpretation. Everyone has to understand that Council has the interest of the community and taxpayers of this Borough at heart and they should be getting the services that they are paying for. He asked Council to think about it, come up with some ideas about what could and should be done differently.

7. Wind Gap Ambulance Corps. Kerry Gassler asked if Council would consider waiving the rent for the Ambulance Corps. Kerry informed Council that the rent month is specifically put into an account for a new truck. He stated that the building consumes 3,000 gallons of heating fuel for a year and they are responsible for that bill.

On motion by Dave Hess to waive the monthly rent paid by the Wind Gap Ambulance Corps for the year 2012 and seconded by Joe Weaver. Roll call vote taken. In favor: D. Hess, G. Hinton, J. Maher, J. Weaver, T. Curcio, J. Faust. Abstained: K. Gassler. Motion carried with a vote of 6-0-1.

OLD BUSINESS

There was no Old Business to be discussed by Council at this time.

On motion by Tony Curcio to adjourn the meeting of January 3, 2012. Council agreed unanimously.

The meeting of January 3, 2012 adjourned at 8:29 p.m.

Louise Firestone, Borough Administrator